

# **Title 14: COURT PROCEDURE -- CIVIL**

## **Chapter 747: WRONGFUL IMPRISONMENT**

**HEADING: PL 1993, c. 480, §1 (new)**

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**Maine Revised Statutes**  
**Title 14: COURT PROCEDURE -- CIVIL**  
**Chapter 747: WRONGFUL IMPRISONMENT**  
**HEADING: PL 1993, c. 480, §1 (new)**

**§8241. WRONGFUL IMPRISONMENT**

**1. Exceptions to immunity.** Notwithstanding any immunity of the State from suit, including the Maine Tort Claims Act, chapter 741, the State is liable for the wrongful imprisonment of a person.

[ 1993, c. 480, §1 (NEW) . ]

**2. Action.** The State is liable for damages for wrongful imprisonment of a person if that person alleges and proves the following by clear and convincing evidence:

A. That the person was convicted of a criminal offense under the laws of this State; [ 1993, c. 480, §1 (NEW) . ]

B. That as a result of that conviction, the person was sentenced to a period of incarceration and was actually incarcerated; [ 1993, c. 480, §1 (NEW) . ]

C. That subsequent to the conviction and as a condition precedent to suit, the person received a full and free pardon pursuant to the Constitution of Maine, Article V, Part First, Section 11, which is accompanied by a written finding by the Governor who grants the pardon that the person is innocent of the crime for which that person was convicted; and [ 1993, c. 480, §1 (NEW) . ]

D. That the court finds that the person is innocent of the crime for which the person was convicted. [ 1993, c. 480, §1 (NEW) . ]

[ 1993, c. 480, §1 (NEW) . ]

**3. Scope of law.** For purposes of this chapter, a person is deemed to have committed a criminal offense notwithstanding a finding by a state or federal court that the law under which the person was convicted is violative of the Constitution of Maine or the United States Constitution.

[ 1993, c. 480, §1 (NEW) . ]

**4. Governor's denial of request.** A Governor's failure to issue a written finding that the person is innocent of the crime for which the person was convicted is final and not subject to judicial view.

[ 1993, c. 480, §1 (NEW) . ]

**5. Settlement.** After commencement of an action under subsection 2, the Attorney General may compromise or settle any claim under this chapter.

[ 1993, c. 480, §1 (NEW) . ]

**SECTION HISTORY**

1993, c. 480, §1 (NEW) .

## §8242. LIMITATION ON DAMAGES

**1. Damages; limitation.** In any action for damages permitted by this chapter, the claim for and award of damages, including costs, against the State may not exceed \$300,000 for all claims arising as a result of a single conviction.

[ 1993, c. 480, §1 (NEW) .]

**2. Costs.** Court costs, interest and all other costs that a court may assess are included within the damages limitation specified by this section.

[ 1993, c. 480, §1 (NEW) .]

**3. Exclusion from judgment or award.** A judgment or award against the State pursuant to this chapter may not include punitive or exemplary damages.

[ 1993, c. 480, §1 (NEW) .]

**4. Payable from General Fund.** Any judgment or award of damages permitted by this chapter must be paid from the General Fund.

[ 1993, c. 480, §1 (NEW) .]

### SECTION HISTORY

1993, c. 480, §1 (NEW).

## §8243. JURISDICTION

The Superior Court has original jurisdiction over all claims permitted under this chapter. [1993, c. 480, §1 (NEW).]

### SECTION HISTORY

1993, c. 480, §1 (NEW).

## §8244. LIMITATION OF ACTION

Every claim for wrongful imprisonment permitted under this chapter is forever barred from the courts of this State unless an action is begun in the courts within 2 years after the date of the full and free pardon of the conviction on which the claim is based. [1993, c. 480, §1 (NEW); 1993, c. 480, §2 (AFF) .]

### SECTION HISTORY

1993, c. 480, §1 (NEW). 1993, c. 480, §2 (AFF).

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